

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

LULAC TEXAS, ET AL.,

*Plaintiffs,*

v.

JOSE ESPARZA, ET AL.,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 1:21-cv-00786

**STATE DEFENDANTS' NOTICE OF MOTION TO CONSOLIDATE  
IN RELATED CASE**

State Defendants provide notice to the Court that this lawsuit is one of four lawsuits filed in this District challenging the same Senate Bill 1. The other three cases are *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (September 3, 2021); *OCA-Greater Houston v. Esparza*, No. 1:21-cv-780 (W.D. Tex.) (Sept. 3, 2021); and *Houston Justice v. Abbott*, No. 5:21-cv-848 (W.D. Tex.) (Sept. 7, 2021). Pursuant to the Fifth Circuit's first-to-file rule, State Defendants filed the Partially-Opposed Motion to Consolidate attached hereto as Exhibit A in the first case that was filed, *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex.) (hereinafter, *LUPE*). As explained in State Defendants' Motion, as the court where suit was first filed, it is the duty of the *LUPE* court to determine if the issues presented in these cases substantially overlap and, if they do, what to do with the subsequently-filed cases. *Mann Mfg. Inc. v. Hortex, Inc.*, 439 F.2d 403, 408 (5th Cir. 1971).

Date: September 14, 2021

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

Respectfully submitted.

/s/ Patrick K. Sweeten  
PATRICK K. SWEETEN  
Deputy Attorney General for Special Litigation  
Tex. State Bar No. 00798537

WILLIAM T. THOMPSON  
Deputy Chief, Special Litigation Unit  
Tex. State Bar No. 24088531

ERIC A. HUDSON  
Senior Special Counsel  
Tex. Bar No. 24059977

KATHLEEN T. HUNKER  
Special Counsel  
Tex. State Bar No. 24118415  
*\*Application for Admission Forthcoming*

LEIF A. OLSON  
Special Counsel  
Tex. State Bar No. 24032801

JEFFREY M. WHITE  
Special Counsel  
Tex. State Bar No. 24064380

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-009)  
Austin, Texas 78711-2548  
Tel.: (512) 463-2100  
Fax: (512) 457-4410  
patrick.sweeten@oag.texas.gov  
will.thompson@oag.texas.gov  
eric.hudson@oag.texas.gov  
kathleen.hunker@oag.texas.gov  
leif.olson@oag.texas.gov  
jeff.white@oag.texas.gov

**COUNSEL FOR DEFENDANTS JOSE ESPARZA, IN  
HIS OFFICIAL CAPACITY AS THE TEXAS DEPUTY  
SECRETARY OF STATE, AND KEN PAXTON, IN HIS  
OFFICIAL CAPACITY AS THE TEXAS ATTORNEY  
GENERAL**

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on September 14, 2021, and that all counsel of record were served by CM/ECF.

/s/ Patrick K. Sweeten

PATRICK K. SWEETEN